

REMARKS

The Examiner's attention to the present application is noted with appreciation.

The Examiner objected to the formality of the drawings, and formal drawings are submitted herewith, and the respective amendment to the specification is made to conform the description to the replacement drawings.

The Examiner rejected claims 9, 20, 23, 26, 28, and 34 under 35 U.S.C. § 112, first paragraph, as earlier amended, and objected to the specification as not disclosing use of the terms folded, foldable, and folding. The claims have been amended back to the original bent, bendable, and bending language.

The Examiner rejected all claims under 35 U.S.C. § 102(b) as anticipated by one or more of Honsaker, Piper, and Olson. The rejections are traversed, particularly as to the claims as amended.

Honsaker discloses a visor, not a mask, which attaches to eyeglasses via a hook-shaped element formed in the exterior of the visor. Piper discloses an apparatus, only arguably decorative, with pockets that envelop earpieces of eyeglasses. Olson discloses a non-decorative protective face shield that comprises a "transparent sheet clipped to the eyeglass bows".

None of the references disclose the present invention as claimed. The present invention is of a mask, the material of which is substantially pliable and opaque (as implicit in the materials from which it is formed and as shown in the drawings). The two attachment members comprise "curved ends" (page 5, line 7) which bend in to engage the earpieces. The attachment members as shown in Fig. 1 are formed in the interior of the mask. Combining the three cited references to somehow come up with the present invention would simply be a matter of hindsight, as there is no incentive or suggestion stated in any reference that combination with another would be useful. Honsaker is a visor, Piper is a camouflage apparatus, and Olson is a transparent protective face shield. Accordingly, the present invention is patentable over the references whether singly or in combination.

A Request for Continued Examination and corresponding check for fees is attached.

Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of this paper is enclosed for accounting purposes. Also being filed herewith is a Petition for Extension of Time to September 18, 2006, with the appropriate fee.

An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

By: 

Jeffrey D. Myers
Reg. No. 35,964
Direct Dial: (505) 998-1502
E-mail: JMyers@Peacocklaw.com

Attorney for Applicant
PEACOCK MYERS, P.C.
P.O. Box 26927
Albuquerque, New Mexico 87125-6927
Phone: (505) 998-1500
Fax: (505) 243-2542

Customer No. 005179

G:\AMDS\Myers_Judith\Myers_RCE_AMD.doc